



FH

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

---

In the Matter of

██████████  
████████████████████  
████████████████████

DECISION

MPA/157393

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed May 01, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on June 12, 2014, at Port Washington, Wisconsin.

There is no issue that is ripe for adjudication.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████████  
████████████████████  
████████████████████

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: OIG by letter

Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**DISCUSSION**

The Petitioner filed an appeal to contest the denial of coverage for a medication called Nuvigil. However, according to the letter dated June 5, 2014, submitted by the Department of Health Services (DHS), it has not completed the evaluation of the prior authorization request submitted by ██████████ pharmacy on behalf of the Petitioner and that it has asked the pharmacy for additional information. According to the Petitioner she has not received a letter from DHS denying authorization for the medication. She has only received information from the pharmacy that DHS has rejected their prior authorization request. Petitioner has further indicated that

she is undergoing a sleep study, the results of which might affect DHS's ultimate decision concerning coverage of the medication.

Based upon the foregoing, it is found that the Petitioner filed her appeal prematurely and that there is no issue that is ripe for adjudication at this time. If in the future, Petitioner receives a letter from DHS stating that her request for the medication has been denied, she can file a new appeal at that time.

### **CONCLUSIONS OF LAW**

There is no issue that is ripe for adjudication at this time.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 13th day of June, 2014

---

\sMayumi M. Ishii  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 13, 2014.

Division of Health Care Access and Accountability